

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	08 CR 241
)	Acting Chief Judge William J. Hibbler
JOSE EDUARDO SERRANO-ESPINOZA)	
ROGELIO SOBERANIS)	
ROSALIO SOBERANIS)	
MARIANO LOPEZ)	
ROBERTO CARLOS SILVA LOPEZ)	
HECTOR URBINA)	
REUBEN ROMO)	

GOVERNMENT'S UNOPPOSED MOTION FOR AN EXTENSION OF TIME
TO RETURN INDICTMENT PURSUANT TO 18 U.S.C. § 3161(h)

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, hereby moves this Court, pursuant to 18 U.S.C. § 3161(h)(8), for a 60-day extension of time, to and including June 23, 2008, in which to seek the return of an indictment against the defendants. Counsel for the five defendants who were arrested have informed the government that they have no objection to the requested extension. In support of the Motion, the government respectfully states as follows:

1. On March 24, 2008, the government filed a criminal complaint against the seven above-captioned defendants alleging a conspiracy to possess with intent to distribute and to distribute cocaine in violation of 18 U.S.C. § 846. Four of the defendants were arrested on March 25, 2008, and one defendant was arrested on March 27, 2008. Those defendants were brought before the court for initial

appearances on the dates that they were arrested. Two defendants, ROGELIO SOBERANIS and HECTOR URBINA, have not yet been arrested.

2. Defendant REUBEN ROMO ("ROMO") was subsequently released on bond. Defendant ROSALIO SOBERANIS ("SOBERANIS"), an undocumented alien, who has a prior felony drug conviction, requested that he be released on bond, but his motion was denied by Magistrate-Judge Arlander Keys. Defendants JOSE EDUARDO SERRANO-ESPINOZA ("SERRANO"), MARIANO LOPEZ ("LOPEZ"), and ROBERTO CARLOS SILVA LOPEZ ("SILVA"), who are undocumented aliens, each waived his right to a detention hearing without prejudice to later seeking a bond.

3. Defendants SERRANO, LOPEZ, and SILVA, each waived his right to a preliminary examination, and a finding of probable cause was entered. Defendants SOBERANIS and ROMO each exercised his right to a preliminary examination, which was held before Magistrate-Judge Keys on April 1, 2008, and a finding of probable cause was entered.

4. The Speedy Trial Act requires that an indictment or information be filed within 30 days of the date of a defendant's arrest. 18 U.S.C. § 3161(b). Accordingly, the deadline for the filing of an indictment or information is presently Thursday, April 24, 2008, as to four defendants, and Saturday, April 26, 2008 as to one defendant, LOPEZ.

5. The government has provided early discovery to the defendants¹, and is in the process of assembling and providing additional early discovery to them. The defendants have each been provided with copies of the two Applications for Authority to Intercept Wire Communications (including the Affidavits attached thereto) and corresponding Orders entered by the court in the course of the investigation. In addition, at the preliminary examination, SOBERANIS and ROMO had the opportunity to cross-examine one of the Federal Bureau of Investigation ("FBI") special agents working on the case.

6. The Speedy Trial Act permits the extension of time to return an indictment "upon the request of the attorney for the government if the Court finds that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A). For the reasons set forth below, an extension is warranted in this case.

7. First, this case is complex. The investigation by the FBI and Drug Enforcement Administration ("DEA") that led to the complaint in this case involved more than 5000 calls intercepted pursuant to orders of this Court.² Most of the calls

¹ Five defendants were arrested, and will be referred to as "the defendants". The government has not been contacted by an attorney on behalf of either of the two defendants who were not arrested.

² On December 27, 2006, Acting Chief Judge Joan B. Gottschall entered an Order authorizing the interception of wire communications to and from the cellular telephones bearing the numbers (773) 331-16897 ("Target Phone 1") and (773) 875-4978 ("Target Phone 2") for a period of 30 days. The wire interception of Target Phone 1 began on or about December 29, 2006, at approximately 12:10 p.m., and continued until on or about January 25, 2007. The wire interception of Target Phone 2 began on or about December 28, 2006, at approximately 2:37 p.m., and continued until on or about January 25, 2007.

On February 5, 2007, Chief Judge James F. Holderman entered an Order authorizing

were in Spanish. The review of the intercepted calls is on-going, and draft transcripts are being prepared for certain calls.

8. Second, additional reasons support the government's requested extension, as set forth in the Attachment submitted to the Court in conjunction with this Motion, which the government respectfully requests be placed under seal so as not to compromise its ongoing investigation and so as not to reveal matters occurring before the Grand Jury.

9. As noted above, the government has provided defense counsel with early discovery relating to a substantial portion of the case. Such early discovery permits defense counsel to begin preparations for future proceedings in the district court, and thereby curtails any delay that would otherwise be experienced by the requested extension of time to indict.

10. Counsel for each of the five defendants have informed the government that they have no objection to the government's requested extension, which includes the attorneys for JOSE EDUARDO SERRANO ESPINOZA, ROSALIO SOBERANIS, MARIANO LOPEZ, ROBERTO CARLOS SILVA LOPEZ, and REUBEN ROMO.

11. The government submits that for the reasons set forth above coupled with the additional reasons given in the Attachment, taken together with the fact that defendants will be provided with early discovery, it is in the interests of justice to grant

the interception of wire communications to and from cellular telephones (773) 331-1689 ("Target Phone 1") and (773) 641-6518 ("Target Phone 3") for a period of thirty days. The wire interception of Target Phones 1 and 3 began on or about February 6, 2007, at approximately 9:29 a.m. and 9:56 a.m., respectively, and continued until on or about March 6, 2007.

the relief requested herein. The Motion should be granted. A proposed order is attached to this Motion.

WHEREFORE, the United States respectfully requests a 60-day extension of time from April 24, 2008 to and including June 23, 2008 in which to seek an indictment in this case.

Respectfully submitted.

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Sheri H. Mecklenburg
SHERI H. MECKLENBURG
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, IL 60604
(312) 469-6030

Dated: April 11, 2008

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

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were served on April 11, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted.

PATRICK J. FITZGERALD
United States Attorney

By: /s/ Sheri H. Mecklenburg
SHERI H. MECKLENBURG
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, IL 60604
(312) 469-6030